

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PETEDGE, INC.,

Plaintiff,

v.

WORLD PRIDE, INC.,

Defendant.

Civil Action No. 1:17-cv-10049

JURY TRIAL DEMAND

COMPLAINT

Plaintiff PetEdge, Inc., complains against World Pride, Inc. as follows:

PARTIES

1. PetEdge is a Massachusetts corporation headquartered at 100 Cummings Center, Beverly, Massachusetts, 01915.

2. PetEdge is in the business of designing, sourcing, manufacturing, and distributing pet-related merchandise.

3. PetEdge invented a folding pet ramp and steps combination apparatus (“pet ramp/steps”), and PetEdge owns a patent directed to various embodiments of this apparatus, namely U.S. Patent No. 7,621,236 (“the ‘236 Patent”). A copy of the ‘236 Patent is attached as **Exhibit A**. PetEdge manufactures and sells pet ramp/steps embodying inventions claimed in the ‘236 Patent and marks those products with the ‘236 Patent.

4. Among the pet ramp/steps that PetEdge sells is its “Renew Rampsteps” (SKU ZA6044), which PetEdge markets and sells under its PET STUDIO ® brand. PetEdge also sells a version under the GUARDIAN GEAR® brand.

5. On information and belief, World Pride, Inc. (“World Pride”) is an Illinois corporation maintaining offices in Illinois. World Pride’s trademark registration (U.S. Reg. No. 4,323,686) and Corporation File Detail Report from the Office of the Illinois Secretary of State both specify World Pride as having an address of 4209 N. Oketo Avenue, Norridge, IL 60706. World Pride’s website (www.worldprideinc.com) lists addresses of 405 Busse Road, Elk Grove Village, IL 60007, and 2145 Estes Avenue, Elk Grove Village, IL 60007.

6. On information and belief, World Pride manufactures, uses, offers to sell, and/or sells an array of home and personal products, including pet-related merchandise.

7. World Pride’s pet-related merchandise includes at least one model of pet ramp/steps, which is advertised and sold under the “World Pride” brand. World Pride’s model of pet ramp/steps is sold as “World Pride Folding 2-in-1 Pet Ramp & Stairs for Dog Cat Steps Ladder” (“Accused Product”).

8. An excerpt from a national, third-party retailer (www.amazon.com) listing for sale the World Pride Accused Product is attached hereto as **Exhibit B**. World Pride distributes its products, including the Accused Product, through national retailers like Amazon.com and other third party retailers. World Pride’s activities have been without express or implied license from PetEdge. Additional excerpts from Amazon.com listing for sale World Pride products substantially similar to the Accused Product are attached as **Exhibit C**. Excerpts from other third party retailers listing for sale World Pride products substantially similar to the Accused Product are attached as **Exhibit D**.

9. The Accused Product competes directly with PetEdge’s pet ramp/steps product and appears to be a knock-off of the PetEdge pet ramp/steps product, such as PetEdge’s PET STUDIO® pet ramp/steps. For example, a side-by-side comparison of PetEdge’s patented PET

STUDIO® “Renew Rampsteps” and an example of the World Pride Accused Product, namely the “World Pride Folding 2-in-1 Pet Ramp & Stairs for Dog Cat Steps Ladder” model, is depicted below.

PetEdge PET STUDIO® “Renew Rampsteps”	World Pride “World Pride Folding 2-in-1 Pet Ramp & Stairs for Dog Cat Steps Ladder”
 <p>The image shows a wooden pet ramp with three steps, each covered with a light-colored mat. A dog is standing on the top step. A small inset image shows the ramp being collapsed for storage. Text above the ramp says "Collapses for easy storage".</p>	 <p>The image shows a wooden pet ramp with three steps, each covered with a black mat. The ramp is shown in its folded position, with the steps and the base of the ramp being separate pieces.</p>

JURISDICTION AND VENUE

10. This is an action for patent infringement arising under the Patent Laws of United States, Title 35, United States Code. This Court has jurisdiction under 28 U.S.C. §§ 1331 (federal question), 1332 (diversity) and 1338 (patent actions).

11. Venue is proper under 28 U.S.C. § 1391(b) and (c) and § 1400(b). World Pride has committed and/or threatened to commit acts of infringement in this District, and this action arises from those acts. World Pride has regularly engaged in business in this Commonwealth and District and purposefully availed itself of the privilege of conducting business in this District, for example, by offering for sale and selling the Accused Product in this District.

12. For example, World Pride advertises, offers for sale, and sells the Accused Product through various retail websites, such as Amazon.com. The Accused Product is made

available to any person to buy, including Massachusetts residents. Indeed, a PetEdge employee was able to buy the Accused Product on Amazon.com and have it shipped to her home in Massachusetts. There were no geographic restrictions placed on sales of World Pride's Accused Product. They are made available to any and all Massachusetts customers.

THE PATENT INFRINGED

13. On November 24, 2009, the United States Patent and Trademark Office ("USPTO") issued United States Patent No. 7,621,236, entitled "Folding Pet Ramp and Steps" ("the '236 Patent').

14. The '236 Patent was assigned to PetEdge, which owns the full rights, title, and interest in the '236 Patent.

15. The '236 Patent has not expired and is in full force and effect.

16. Pursuant to 35 U.S.C. § 282, the '236 Patent and each of its claims are presumed valid.

17. PetEdge marks its pet ramp/steps with the '236 Patent and thus gives at least constructive notice of the '236 Patent to the public, including to World Pride.

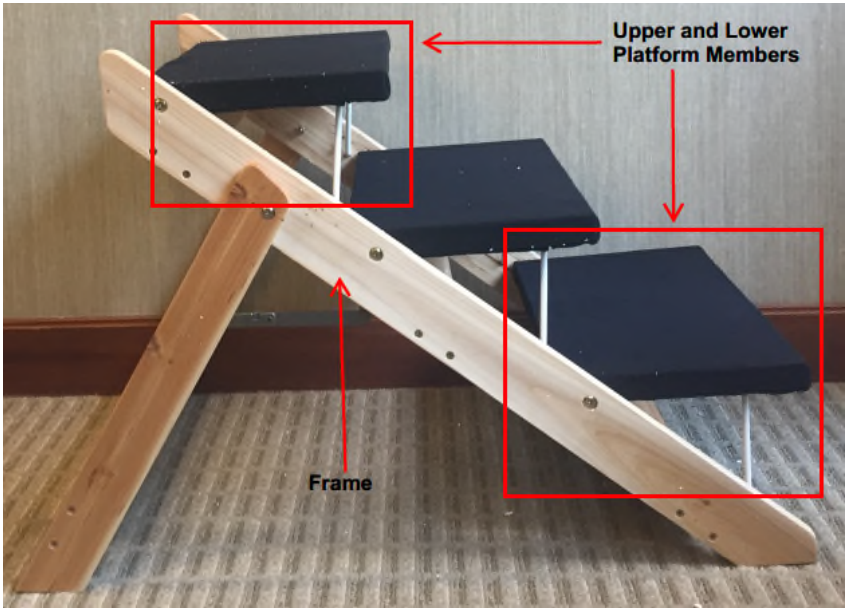
THE ALLEGED PATENT INFRINGEMENT

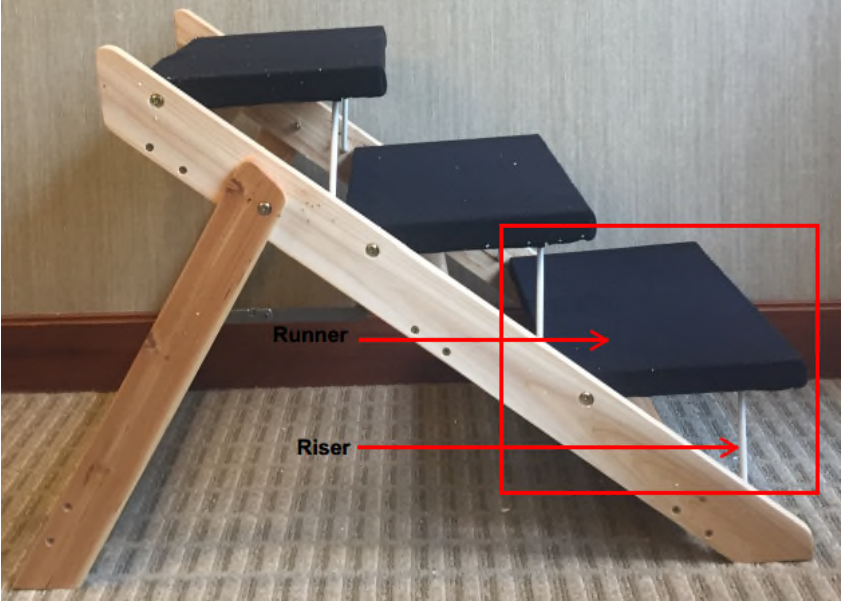
18. World Pride designs, makes, imports, uses, sells, and/or offers to sell an infringing pet ramp/steps product, including at least the "World Pride Folding 2-in-1 Pet Ramp & Stairs for Dog Cat Steps Ladder."

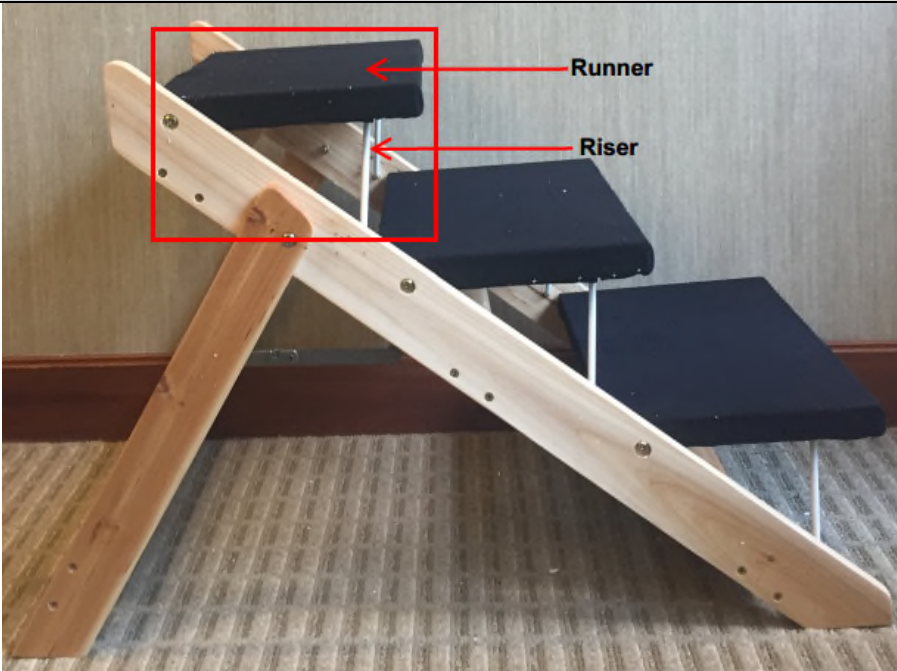

19. As alleged herein, World Pride has engaged in actions that directly infringe the '236 Patent.

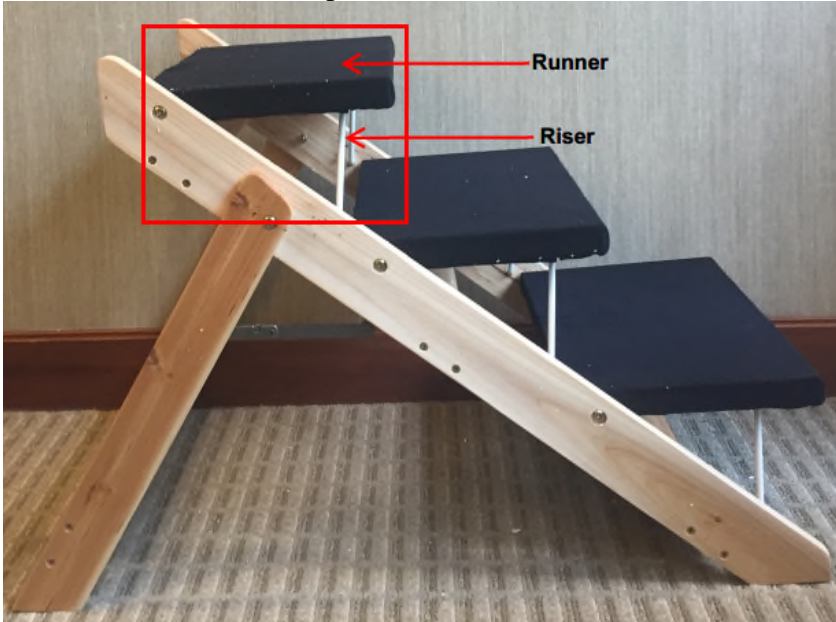
20. An exemplary claim chart showing infringement by the "World Pride Folding 2-in-1 Pet Ramp & Stairs for Dog Cat Steps Ladder" ("Accused Product") of the first independent


claim of the '236 Patent is shown below. This claim chart is based on preliminary analysis and may be amended and/or supplemented after further investigation and discovery in this action. Although PetEdge has charted infringement of Claim 1, PetEdge also contends that other claims are infringed. The claim chart is for notice purposes under Fed. R. Civ. P. 8 and 12.

Claim Element	Infringing Feature of Accused Product
1. An apparatus comprising:	The Accused Product is an apparatus.
a frame supporting an upper platform member and a lower platform member;	<p>The Accused Product comprises a frame supporting an upper platform member and a lower platform member. The photo below shows the Accused Product with the frame, upper platform member, and lower platform member labeled.</p> 
the lower platform member having a lower riser and a lower runner; and	The Accused Product comprises a lower platform member having a lower riser and a lower runner. The lower platform member can be seen in the photo below as denoted by the box. The riser and runner are labeled below. The riser supports the runner in the step alignment.

Claim Element	Infringing Feature of Accused Product
	 <p>The photograph shows a wooden step stool with three black cushioned steps. A red box highlights the upper platform member. Red arrows point from the labels 'Runner' and 'Riser' to the corresponding parts of the upper platform member.</p>
<p>the upper platform member having an upper riser and an upper runner which are moveable between a ramp mode and a step mode, the upper riser:</p>	<p>The Accused Product comprises an upper platform member having an upper riser and an upper runner. The upper platform member can be seen in the photo below as denoted by the box. The riser and runner are labeled below. The riser supports the runner in the step alignment.</p>

Claim Element	Infringing Feature of Accused Product
	 <p>The above photo shows the Accused Product in a step mode. The below photo shows the Accused Product as subsequently moved to a ramp mode.</p> 

Claim Element	Infringing Feature of Accused Product
(i) fixedly supporting the upper runner against the frame when in the step mode, and	<p>The Accused Product comprises an upper riser: (i) fixedly supporting the upper runner against the frame when in the step mode. The photo below shows the upper riser fixedly supporting the upper runner against the frame when in the step mode.</p> 

Claim Element	Infringing Feature of Accused Product
(ii) being movable from the fixedly supported position to permit the upper runner to move to the ramp mode.	<p>The Accused Product comprises an upper riser: . . . (ii) being movable from the fixedly supported position to permit the upper runner to move to the ramp mode. The photo below shows the apparatus after the upper runner has been moved to the ramp mode by means of moving the upper riser from its fixedly supported position.</p> 

COUNT I
INFRINGEMENT OF THE '236 PATENT

21. PetEdge re-alleges and incorporates by reference the preceding paragraphs as though fully set out herein.

22. In violation of 35 U.S.C. § 271, World Pride has been infringing, and continues to infringe, the '236 Patent by way of manufacturing, using, offering to sell, and/or selling the Accused Product within the United States, as depicted in Exhibit B and as covered by one or more of the claims in the '236 Patent.

23. World Pride has had, at least, constructive notice of the '236 Patent pursuant to 35 U.S.C. §287(a) because PetEdge marks its pet ramp/steps products with the '236 Patent. Further, PetEdge notified World Pride about the alleged infringement of the '236 Patent by letter dated December 13, 2016. Thus, World Pride has actual knowledge of the '236 Patent.

24. World Pride has profited, and continues to profit, from its manufacture, use, offer to sell, and sale of the Accused Product.

25. On information and belief, World Pride's infringement of the '236 Patent has been and continues to be willful, wanton, and deliberate.

26. PetEdge has been, and continues to be, damaged and irreparably harmed by World Pride's infringement of the '236 Patent.

WHEREFORE, PetEdge respectfully requests that this Court enter judgment for PetEdge and against World Pride, and grants PetEdge the following relief:

- A. A judgment under 35 U.S.C. § 271 finding that World Pride infringes the '236 Patent;
- B. An order under 35 U.S.C. § 283 preliminarily and permanently enjoining World Pride from infringing the '236 Patent;
- C. An award of damages under 35 U.S.C. § 284 adequate to compensate PetEdge for World Pride's infringement of the '236 Patent and an accounting to determine the proper amount of such damages;
- D. A three-fold increase in damages as a result of World Pride's willful, wanton, and deliberate acts of infringement;
- E. An award pursuant to 35 U.S.C. § 284 of costs, prejudgment, and post judgment interest on PetEdge's compensatory damages;

F. An award pursuant to 35 U.S.C. § 285 of PetEdge's attorneys' fees incurred in this action;

G. An order directing the recall and destruction of any and all existing World Pride folding pet ramp and steps systems that infringe the '236 Patent; and

H. Such further relief as this Court deems just and proper.

JURY DEMAND

PetEdge demands a trial by jury on all issues so triable.

PETEDGE, INC.,
By its attorneys,

/s/ Erik Paul Belt

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